

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
May 17, 1967

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, May 17, 1967, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL
WALTON and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, City Attorney Mullen, Administrative Assistant Peterson and Planning Director Schroeder.

MINUTES

On motion of Councilman Culbertson, Hunnell second, the Minutes of May 3, 1967 were approved as written and mailed after correcting the paragraph on page 4 entitled "Health Insurance" as follows: Change the fourth sentence to read as follows: "Mr. Graves recommended that this coverage be increased to \$28 at an added cost of \$1.20 to the City per employee and an added cost of \$1.80 to the employees for dependents. Change the sixth sentence to read as follows: "This would increase the cost of the insurance by \$1.90 to the City per employee and \$2.90 to the employees for dependents."

COMMUNICATIONS

SUPER MOLD
RE EXTENSION
OF WATER MAIN

A letter was read from Super Mold Corporation stating that at the time it was looking for a site to relocate, the City had indicated it would make utilities available when required in the event Super Mold relocated in Lodi. They are now asking to be supplied with a 10" water main at the northeast corner of the property in the vicinity of Cluff and Lodi Avenue. Mr. Graves reported that he has been meeting with Super Mold officials the past few days because of an apparent misunderstanding concerning the extent of the City's cooperation. Super Mold understood that making the utilities available meant that the City would bear the cost. Mr. Graves pointed out, however, that on September 28, 1966, the Director of Public Works had informed a local realtor concerning the proposed development that the cost of extending the 10" line to fit the needs of the development would be charged to the developer. Apparently misunderstandings evolved in subsequent meetings. He said the Council could do one of three things: Adhere to the City's policy, change the policy, or make an exception to the policy as being justified in this instance. The cost of the extension would be approximately \$18,700. Members of the Council were not in agreement as to the City's intention in saying it would make the water line available to Super Mold. Mayor Kirsten and Councilman Brown were of the opinion that the City intended to pay for the extension; Councilman Hunnell and Culbertson felt the intent was that the City would make it available when needed, but at the developer's expense. It was moved by Councilman Walton that the City pay for the extension of the 10" water main along Cluff Avenue from Pine Street to the Super Mold property, it being understood that this action is an exception to the City's policy due to misunderstanding of statements made at the time Super Mold was looking for a site. The motion was seconded by Councilman Brown and carried by unanimous vote.

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CECIL HARP RE
NUMBER OF
UNITS ALLOWED

A letter was read from Mr. Cecil H. Harp requesting a policy determination on density of residential units in R-3 and R-4 zones specifically in areas where streets are to be widened with the subsequent loss of square footage to the property owner. He considered that it was an undue hardship to the property owners to base the density on the remaining square footage rather than the original square footage. Mr. Graves made a sketch on the blackboard of Mr. Harp's property showing the setback lines which had been established and on record since 1955 and 1958. The property has been rezoned to R-3 and according to its present area would allow the construction of 30 units, but because of the setback lines and impending acquisition of right of way by the City, 26 units is the limit. This reduction in units is considered in the appraisal for the right of way and the City would be buying property worth 4 units. He further explained that the City's General Plan is the basis for determining the utilities required and that if too many changes are made increasing the density the density will eventually exceed the capacity of utilities. The property owner was aware of the setback lines when he purchased the property, and Mr. Graves felt the policy should be adhered to. Councilman Walton moved that the matter be referred to the Planning Commission and the motion died for lack of a second. Planning Director Schroeder said he had told Mr. Harp that he could build 30 units which was the number allowed according to the acreage. There was considerable discussion concerning the setback line policy and whether it effects density. It was felt that a determination should be made by the staff on the setback line policy as there was a divergence of views thereon. The matter was continued to the meeting of June 7, 1967.

CATV

A letter was read from Mr. Duane Martin, West Coast representative for American CATV, Inc., a cable television firm. The letter requested that he be informed if the City is contemplating granting a CATV franchise. On motion of Councilman Walton, Brown second, the City Council deferred any action until a specific application for a franchise was received. Mr. Martin is to be so notified.

ABC LICENSE

Notice was read of application for Alcoholic Beverage License, Changing partner, by Patrick C. Belding and Dennis B. Herr, Der Gut Zeit/The Good Time, 114 N. School St.

PLANNING COMMISSION

The following actions of the Planning Commission were reported:

1. Denied the request for a change in zoning from the R-2 zone to the C-1 zone for property at 1200 West Turner Road.
2. Requested an opinion of the City Attorney in regard to senior citizens' housing being developed as an integral part of church facilities.
3. Approved the request of the Mennonite Brethren Church of Lodi for a use permit for church facilities on a parcel of approximately three acres at the southeast corner of West Vine Street and South Mills Avenue. The Planning Commission amended this request to include senior citizens' housing as part of the requested church facilities and established certain conditions on the use permit.

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4. Approved the request for a variance to reduce the required 5-foot side yard to 4 feet to permit the addition to a dwelling at 727 North Loma Drive, having determined that a hardship existed.

5. Determined that no zoning hardship existed and denied the request of the Bethel Open-Bible Church for a variance to increase the maximum number of apartment units permitted from 24 units to 30 units on the north side of the church's property at the northeast corner of Ham Lane and Sylvia Drive.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$425,133.57 were approved on motion of Councilman Walton, Brown second.

CITY CAB CO. TRANSFER TO DOYLE BROWN

A request has been received from Mr. and Mrs. Edward E. Dancer to transfer their permit to operate the City Cab Company within the City limits to Mr. and Mrs. Doyle Brown. The transfer ^{requires} approval of the City Council. Mr. Graves stated a background check has been made on Mr. and Mrs. Brown and is satisfactory. Councilman Hunnell moved that the transfer of taxicab permit to Mr. and Mrs. Brown be approved. The motion was seconded by Councilman Walton and carried by unanimous vote.

R/W FROM WOODS SCHOOL DISTRICT

Mr. Graves presented a deed from Woods School District for right of way along Tokay and Virginia Streets in the area of the Vinewood School. On motion of Councilman Walton, Brown second, the aforesaid deed was accepted by unanimous vote.

R/W AT SW CORNER OF HAM & LODI AVE.

A deed was presented from the Executrices of the Ada L. Hutchins Estate for right of way on Lodi Avenue and Ham Lane with the condition that the City will pay for installation of curb, gutter, paving and other street improvements. It is understood that sidewalk will be paid for by the developer. There is a further condition that if any vines and/or the pumping plant are removed from said parcels prior to the completion of the 1967 irrigating and harvest seasons, the City will furnish to the tenant an alternate supply of water for any crop damage by reason of removal of the vines. On motion of Councilman Brown, Walton second, the deed from the Ada L. Hutchins Estate was accepted by unanimous vote.

R/W FROM STANLEY BECKMAN

In the matter of obtaining a 20-foot right of way and additional easement from Stanley Beckman in connection with installation of Outfall Line No. 2, City Attorney Mullen recommended that the Council approve payment of \$5,000 to Mr. Beckman in exchange for the right of way and easement. On motion of Councilman Brown, Walton second, the City Council accepted the deed as recommended.

POLICY RE FRONTAGE ROADS

Mr. Graves explained that the Planning Commission has adopted a plan for Lower Sacramento Road calling for limited access with a frontage road. Since St. Peter's Lutheran Church is planning to start construction on its property on Lower Sacramento Road, a policy determination should be made by the Council on who is to pay for the frontage road improvement. A number of other agencies had been contacted by the Planning Director and in each instance he found that dedication of the land

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and all costs for improving the frontage road are borne by the developer and the staff recommended this policy be adopted. Councilman Culbertson agreed with this procedure, and moved that the Council adopt a policy requiring that the developer pay all frontage road costs. His motion died for a lack of a second. Mr. Clint Hoellworth, 719 South Garfield Street, representing St. Peter's Lutheran Church, said the Church is the first to be developing in the area and there was no need for a frontage road. He felt the policy outlined did not seem fair because if at some time the City felt it was necessary for the frontage road to go in to the north of this property, it would negotiate for right of way; in other words, when the City wants right of way it pays, but when the developer wants it, the developer pays. Mr. M. O. Ray, Jr., 1201 Edgewood Drive, said he owned a small parcel north of that of the church. He suggested that if the frontage road is not needed now, that a setback line be established and that a bond be furnished to guarantee payment of the improvement when needed. He felt the City should help to pay for the frontage road.

After discussion by the Council, Councilman Walton moved that the Council adopt the policy that frontage road costs are to be paid by the developer. The motion was seconded by Councilman Culbertson and carried by the following vote:

Ayes: Councilmen Culbertson, Hunnell, Walton and Kirsten

Noes: Councilman Brown

PUBLIC SAFETY
BLDG LANDSCAPE
IMPROVEMENTS

Mr. Graves reported that the contract for the construction of the Public Safety Building contained much of the concrete installation of the Mall. Subsequently, a landscape plan was designed by Paul Tritenbach and accepted by the Council. It was therefore necessary to revise the contract with Roek Construction Company in order to comply with the landscape plans. This problem has been discussed with Mr. Varner, architect for the building, and he has been able to work out a solution with the contractor. The contractor has secured bids from subcontractors for work not covered by the contract including landscape sprinklers, benches, electrical work, etc. totaling \$28,813. Mr. Graves said this could be added to the contract by change order. Councilman Culbertson moved that a change order be issued for the work listed with a provision that the Council has an opportunity to look at the granite curbs before installation. The motion was seconded by Councilman Walton and carried by unanimous vote.

GRADE
CROSSING REPORT
CONTINUED

Discussion of the Public Utilities Commission report on grade crossing protection within the City of Lodi was continued.

PURCHASE CARS
LOCALLY

SPECS -
SMALL SEDAN

A new vehicle is required by the Meter Repairman to replace the panel truck presently being used. It has been determined that a small sedan would be satisfactory in lieu of a panel truck. Mr. Graves stated that the City would be able to save \$300 by purchasing the vehicle through the State instead of going to bid and that the final date for placing the order with the State is the end of May. He requested the Council to make a determination whether to purchase the car from the State or give local dealers an opportunity to bid. Councilman Walton moved that the City buy from local dealers and that the specifications for a compact sedan be approved and calling for bids authorized. The motion was seconded by Councilman Brown and carried.

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RECESS

Mayor Kirsten declared a recess at 10:40 p.m.

EMERSON PARK
RESTROOMS

Mr. Graves explained that the current budget calls for the construction of restrooms at Basin A-1. However, the question of restrooms at Emerson Park has been raised and the Recreation Department will be recommending for next year's budget that a Senior Citizens' area be installed at the southeast corner of Emerson Park for shuffle board, horse shoes, etc. Because of these factors and because there may be some design changes at Basin A-1, Mr. Graves recommended that funds be transferred for the installation of restrooms at Emerson Park rather than Basin A-1. On motion of Councilman Walton, Hunnell second, the City Council approved the recommendation for transfer of funds to provide for installation of restrooms at Emerson Park.

WALL AT
LAKE PARK
BEACH AREA

The City Manager reported that estimates obtained by Ed DeBenedetti, Director of Recreation and Parks, indicate that the cost of a wall behind the beach area at Lodi Lake Park would run as high as \$30,000 if let to bid. On the other hand, Mr. DeBenedetti is proposing that the City construct by force account a wall of broken concrete sidewalk such as has been built at Lawrence Ball Park. He estimates that the work could be done for an approximate cost of \$3,900. On motion of Councilman Walton, Culbertson second, the City Council authorized the construction of the wall at the Lodi Lake beach area by force account as recommended.

SPECS -
B-2 OUTFALL
STORM DRAIN

Plans and specifications were submitted for the B-2 Outfall Storm Drain which is a portion of the outfall line to the Lodi Lake Pump Station from Erich Park No.2. On motion of Councilman Brown, Walton second, the Council approved the plans and specifications for B-2 Outfall Storm Drain and authorized calling for bids thereon.

WATER
VIOLATIONS

Mr. Graves reported that during the summer the City has a man checking for watering violations in addition to other duties and that he has checked as many as 90 calls a day. Many of the calls are reported by neighbors. During the past four years, no citations have been issued. Hereafter, if persons refuse to comply with the regulations, citations will be issued.

CM SALARY
INCREASE

On motion of Councilman Walton, Hunnell second, the City Council increased the salary of the City Manager by \$100 per month effective May 1, 1967, by the adoption of Resolution No. 3050.

RES. NO. 3050

ASSISTANT
POUNDMASTER
& DOG CONTROL

Councilman Walton expressed his concern over the increased problem of dogs running loose. He cited a recent instance of a woman receiving a very serious dog bite. Stating that the City needed another full time poundman, Councilman Walton moved that an assistant be hired for the Poundmaster immediately and that the purchase of a vehicle for his use be authorized. The motion was seconded by Councilman Brown. After discussing the need for strict enforcement and for a review of costs and revenue, the motion carried unanimously.

POLICE DEPT.
ANNUAL REPORT

Councilman Walton said the annual report from the Chief of Police was outstanding and he moved that the Mayor send a letter of commendation to the Chief. The motion was seconded by Councilman Brown and carried.

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ORDINANCES

AMEND CODE RE
BARBER AND
BEAUTY SHOPS

ORD. NO. 840
ADOPTED

ORDINANCE NO. 840, entitled "AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF LODI AND THEREBY ELIMINATING FUTURE BEAUTY AND BARBER SHOPS FROM THE R-4 MULTIPLE FAMILY INSTITUTIONAL RESIDENCE DISTRICT AND BEAUTY SHOPS FROM THE R-3 LIMITED MULTIPLE FAMILY RESIDENCE DISTRICT," having been introduced at the regular meeting of May 3, 1967, was brought up for passage on motion of Councilman Brown, Walton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen Brown, Culbertson, Hunnell
Walton and Kirsten

Noes: Councilmen - None

FURTHER REPORTS

CONTRACTORS'
LICENSE FEES

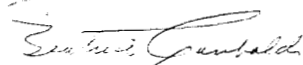
Councilman Culbertson said he had been contacted by several contractors complaining about inequities in licensing. He said he would like to have a review made of license fees and penalties in the cities and the County.

INTERGOV'T
PLANNING
ALLIANCE

Councilman Culbertson reported on the organizational meeting held in Stockton on formation of a County-wide intergovernmental planning alliance. Contrary to the views of the Lodi Council, the majority had voted for a 30-day withdrawal period and for the County to pay all expenses. The name was also changed to "Cities and County of San Joaquin Advisory Planning Association." He said the question of voting had not been determined and mentioned the letter received from Chairman Perino of the Board of Supervisors and Mayor Rishwain of Stockton who recommended that the City of Stockton receive five votes, the County three, and other cities one vote which would make a total of thirteen votes. Mayor Kirsten said he was unalterably opposed to such a suggestion. Councilman Walton moved that Councilman Culbertson continue to uphold the thinking of the City Council that there should be one vote for each agency. The motion was seconded by Councilman Hunnell and carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 p.m. on motion of Councilman Brown.



Attest: BEATRICE GARIBALDI
City Clerk